

REMARKS/ARGUMENTS

Applicants thank the Examiner for the thorough examination of the claims as evidenced in the Office Action dated November 28, 2005. Applicants respectfully requests reconsideration of the rejections to the claims contained therein.

Claim 9 has been amended by this Response. Claims 1-19 are currently pending in the application. No new matter has been entered by the amendments hereto.

The Examiner objected to the title. Applicants have amended the title to be more descriptive. Applicants have also amended the specification to update information regarding a commonly-filed patent application.

The Examiner rejected claims 1-4 under 35 U.S.C. §102(b) as being anticipated by Japanese Publication No. 403010547 to Muramatsu. Applicants respectfully traverse this rejection.

Muramatsu discloses a communications protocol that divides a message into sections to be transmitted. The protocol retransmits a section of the message if communication trouble is temporarily generated in a communications line. Muramatsu says nothing about how it is determined whether a packet should be retransmitted.

The Examiner asserts that although Muramatsu says nothing about how it is determined whether a packet should be re-transmitted, it is "inherent that identifying information must be sent and compared in order for the appropriate sections to be resent after interference occurs." While such interaction may be necessary, applicants are not claiming the mere sending and comparing of identifying information. Instead, applicants' claim 1 recites that, after a message has been sent from a sending node to a receiving node (see the preamble of claim 1), the sending node transmits an identifying command describing the sent message. The receiving node compares this description with the actual message received by the receiving node. The receiving node sends the results of this comparison to the sending node. The sending node transmits a portion of the message not yet received by the receiving node. It should be clear from this recitation of claim 1 that applicants are claiming much more than what is asserted by the Examiner to be inherent in the disclosure of Muramatsu, and that the Examiner's assertion of inference does not anticipate applicant's invention as recited in claim 1.

Furthermore, because there are many alternative methods for sending and comparing identifying information, applicants' method as recited in claim 1 is not inherent in the disclosure of Muramatsu. Applicants' claim 1 is therefore allowable.

Claims 2-4 depend from claim 1 and are therefore allowable for at least the same reasons claim 1 is allowable. With respect to claim 2, the Examiner asserts that because each message of Muramatsu is divided into equally sized portions, the size of the un-received message is inherently known. First of all, Muramatsu does not state that a message is divided into equally sized portions: Muramatsu states that a message is divided into appropriate lengths based on the quality of the line. Second, Muramatsu discloses a method of re-sending discrete, pre-divided portions of a message. Such portions do not need to be identified by size to be re-transmitted. It is therefore not inherent that a size of an un-received portion of a message needs to be communicated by the receiving node to the sending node. Claim 2 is therefore allowable for at least this additional reason.

The Examiner rejected claims 8, 15-17 and 19 under 35 U.S.C. § 103(a) as being unpatentable over Muramatsu in view of U.S. Patent No. 6,567,395 to Miller. Applicants respectfully traverse this rejection.

Claim 8 depends from allowable claim 1 and is therefore allowable for at least the same reasons claim 1 is allowable.

The Examiner rejected independent claim 15 based upon the same arguments used to reject claim 1. As previously explained, Muramatsu neither discloses nor contains inherent teachings necessary to anticipate applicant's claimed invention. Specifically with reference to claim 15, Muramatsu does not disclose a first node configured to send to a second node a message and to transmit an inquiry command that communicates information regarding the sent message, where the second node determines, using the information in the inquiry command, whether the sent message was correctly received, wherein the second node transmits to the first node response information indicating whether a portion of the sent message was not received by the second node. The Examiner's reference to Miller does not provide this missing disclosure, and applicants' claim 15 is therefore allowable.

Claims 16-17 and 19 depend from allowable claim 15 and are therefore allowable for at least the same reasons claim 15 is allowable. Furthermore, claims 16 and 17 contain subject matter similar to allowable claims 2 and 3, respectively, and are therefore allowable for at least the same reasons claims 2 and 3 are allowable.

The Examiner rejected claims 6-7, 9-12 and 14 under 35 U.S.C. § 103(a) as being unpatentable over Muramatsu in view of U.S. Patent No. 5,682,148 to Gaskill et al. Applicants respectfully traverse this rejection.

With respect to claim 6, the Examiner asserts that "Muramatsu discloses the method of claim 1, wherein the description of the sent message includes at least the size of the sent message...." There is no discussion in Muramatsu of the size of the sent message. Furthermore, as previously explained it is not inherent that the system of Muramatsu transmits a description of a previously sent message, or that such description inherently includes a size of the sent message. The Examiner uses Gaskill to teach the use of an identifying number assigned to messages, and concludes it would be obvious "to assign a unique name, such as a number, taught by Gaskill et al., to each portion of the segmented message taught by Muramatsu." However, applicants' claimed invention does not claim to identify each divided portion of a message by name and size; instead, the description of a previously sent message includes a name of the sent message and a size of the sent message – and not to portions of the message. Claim 6 is therefore allowable.

With respect to claim 7, Gaskill discloses a system of pager communication in which messages are transmitted in association with a destination address. Each paging receiver in the system only accepts messages which include its address. This is different from applicants' claimed invention in which a sending node sends an identifying command that includes at least one of a time stamp, a checksum related to the sent message, and a destination address. As recited in claim 7 and independent claim 1, the identifying command is separate from the message itself. In other words, while Gaskill uses a destination to determine whether a message should be accepted by a particular pager, applicants' claimed invention uses a destination address in a command from a sending node to identify a message *that has already been received*. Neither Gaskill nor the cited references teach or disclose using a destination address to

identify a previously received message as recited in applicants' claim 7, and claim 7 is therefore allowable.

Claim 9 includes subject matter similar to claims 1 and 6 and is therefore allowable for at least the same reasons, explained previously, that claims 1 and 6 are allowable. Specifically with reference to claim 9, Muramatsu does not disclose sending information about the transmitted message to a second node, the information including at least a name of the transmitted message and a size of the transmitted message; comparing the sent information to a received message that was received by the second node; and informing the first node of a portion of the transmitted message that was transmitted by the first node but not received by the second node. Claim 9 has also been amended to recite "a method of determining if a message has been successfully transmitted..." to more clearly point out what applicants are claiming.

Claims 10-12 and 14 depend directly or indirectly from allowable claim 9 and are therefore allowable for at least the same reasons, previously explained, that claim 9 is allowable. Claims 10-12 and 14 contain subject matter similar to allowable claims 2, 4, 3, and 7, respectively, and are therefore allowable for the reasons claims 2, 4, 3, and 7 are allowable, as explained previously.

The Examiner rejected claim 13 under 35 U.S.C. § 103(a) as being unpatentable over Muramatsu and Gaskill, and further in view of U.S. Patent No. 5,734,643 to Rondeau. Applicants respectfully traverse this rejection. Claim 13 depends from allowable claim 9 and is therefore allowable for at least the same reasons claim 9 is allowable.

The Examiner rejected claim 18 under 35 U.S.C. § 103(a) as being unpatentable over Muramatsu and Miller, and further in view of U.S. Patent No. 5,734,643 to Rondeau. Applicants respectfully traverse this rejection. Claim 18 depends from allowable claim 15 and is therefore allowable for at least the same reasons claim 15 is allowable.

Accordingly, with entry of the amendments and consideration of the arguments and remarks contained herein, all pending claims are now allowable, and a notice of Allowance is earnestly solicited. The Examiner is invited to contact the undersigned attorney if further issues remain in the prosecution of this application.

Respectfully Submitted,

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